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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,395	03/10/2004	Yoshihiro Sugi	1248/72122	7166
7590 01/10/2006			EXAMINER	
Ivan S. Kavrukov, Esq.			JOHNSON, CHRISTINA ANN	
Cooper & Dunh	am LLP			
1185 Avenue of the Americas			ART UNIT	PAPER NUMBER
New York, NY	10036	1725		

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

•						
	Application No.	Applicant(s)				
	10/800,395	SUGI ET AL.				
Office Action Summary	Examiner	Art Unit				
	Christina Johnson	1725				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet w	ith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REI WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory per - Failure to reply within the set or extended period for reply will, by state of the period for reply will, by state of the period for reply will. - Any reply received by the Office later than three months after the material patent term adjustment. See 37 CFR 1.704(b).	B DATE OF THIS COMMUNI R 1.136(a). In no event, however, may a iod will apply and will expire SIX (6) MON atute, cause the application to become Al	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 10	0 March 2004.					
·						
3) Since this application is in condition for allo	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice unde	er <i>Ex parte Quayle</i> , 1935 C.D	D. 11, 453 O.G. 213.				
Disposition of Claims	•					
4)⊠ Claim(s) <u>1 and 2</u> is/are pending in the application	ootion					
4a) Of the above claim(s) is/are without		·				
5) Claim(s) is/are allowed.	arawn nom consideration.	•				
6)⊠ Claim(s) <u>1 and 2</u> is/are rejected.	•	·				
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and	d/or election requirement.					
· · · · · · · · · · · · · · · · · · ·	•					
Application Papers	:	•				
9)☐ The specification is objected to by the Exam	niner.					
10) The drawing(s) filed on is/are: a) a	accepted or b) objected to	by the Examiner.				
Applicant may not request that any objection to		•				
Replacement drawing sheet(s) including the cor	•					
11)⊠ The oath or declaration is objected to by the	Examiner. Note the attache	d Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119		•				
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of:	ign priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
1. Certified copies of the priority docume	ents have been received	·				
2. Certified copies of the priority document		Application No.				
3. Copies of the certified copies of the p						
application from the International Bur						
* See the attached detailed Office action for a		received.				
	·					
		· ·				
Attachment(s)	,	Currency (DTO 442)				
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 		Summary (PTO-413) (s)/Mail Date				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date		Informal Patent Application (PTO-152)				

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DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: The full name of each inventor (family name and at least one given name together with any initial) has not been set forth.

Claim Objections

2. Claim 1 is objected to because of the following informalities: "~" should be "-".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 5. Claim 1 recites the limitations "contains cerium" and "in the beta-zeolite." This limitation renders the claims indefinite because it is not clear what applicant intends to encompass by "contains" and "in," i.e. could include compositions where the cerium is ion-exchanged or impregnated. It is suggested that applicant amend the claim to recite

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that the cerium is contained within the zeolite framework, as indicated in the inventive examples.

Allowable Subject Matter

- 6. Claims 1-2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
- 7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a catalyst composition wherein the zeolite beta has the required particle diameter in combination with the Ce/Si ratio or the process of using such a catalyst.

Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Johnson whose telephone number is (571) 272-1176. The examiner can normally be reached on Monday-Friday, 7:30-5, with Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Christina Johnson Primary Examiner Art Unit 1725

15/06

CAJ January 5, 2006